

REMARKS

Reconsideration of this application is requested.

It is noted at the outset that the outstanding Official Action refers to claims 1 through 18 as being in the case. However, simultaneously with the filing of the application on August 1, 1983, first and second preliminary amendments (copies attached) were submitted for the purpose of cancelling claim 14 and replacing that claim by two singly dependent claims 19 and 20. The reason for doing this was to avoid a multiple dependent claim fee being levied against the application, and new claims 19 and 20 are otherwise identical to original claim 14. As indicated above, claim 16 has been cancelled without prejudice to the possible filing of a divisional application directed to the subject matter of that claim, and so the claims now in the case are claims 1 through 13, 15, and 17 through 20.

The Examiner has rejected the claims under 35 U.S.C. 112 first and second paragraphs on the ground that certain terms appearing in the claims lack enablement and are indefinite. Reconsideration and withdrawal of the Examiner's formal rejections in light of the following remarks is believed to be very much in order, and this is requested.

With reference to the terms "forming a pharmaceutically acceptable salt" and "pharmaceutically acceptable salts", both of those terms are fully supported by the disclosure of the present specification, especially at page 7 line 3 through 10. A person of ordinary skill in this particular art would have absolutely no difficulty in understanding the meaning of those terms as used in the claims of the present application.. Indeed, it is believed that each of the above terms as used in the present technical art relating to penicillin derivatives is widely used and is, in effect, a term of art. It is noted, for example, that the term "pharmaceutically acceptable salts" is used in the claims and description of United States patent 4,331,677 to Foglio et al cited, but not relied on, by the Examiner and the Examiner's attention is directed, in particular, to claims 3 and 4 of Foglio et al, and the description appearing

at page 2 lines 4 through 6. Furthermore, it is believed that the terms "forming a pharmaceutically acceptable salt" and "pharmaceutically acceptable salts" also appear in most if not all, of the other patents classified in Class 260, subclass 245.2.R covering penicillin derivatives.

In light of the above, it is believed that withdrawal of the Examiner's rejection with respect to the terms "forming a pharmaceutically acceptable salt" and "pharmaceutically acceptable salts" is in order, and this is requested.

Referring to the terms "organic amine residue", "basic amino acid residue", and "ammonium residue", as they appear in claim 10 as originally filed, claim 10 has been amended in order to more specifically define those particular terms. Basis for amended claim 10 appears at page 7 lines 3 through 10.

The Examiner has objected to the term "comprises", and it is not understood why the Examiner believes this term is indefinite and non-enabling. The term "comprises" as it appears in claims 17 and 18 is referring to the composition and method respectively, and, for the composition, means that the claimed composition includes the components (A) and (B) and may in addition contain further components together with components (A) & (B). With respect to the method as claimed in claim 18, the term "comprises" means that the method includes the step of administering to the mammal subject the components (A) and (B), and the claimed method may also include further steps in addition to that particular claimed step. In light of this, it is believed no objection arises to the term "comprises" as appearing in claims 17 and 18, but in order to make it absolutely clear in claims 17 and 18 the term "comprises" is referring to the composition and method, respectively, line 2 of each of those claims has been amended to more clearly state this.

With respect to the term "a B-lactam antibiotic", the Examiner's attention is directed to the latter half of claims 17 and 18 where the B-lactam antibiotic is defined using Markush terminology. Minor grammatical changes have been effected to claims 17 and 18 in order to bring the

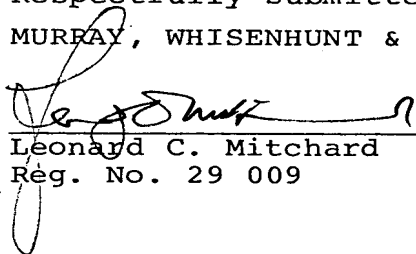
Markush terminology more into line with that conventionally employed.

In the circumstances, it is believed that the claims as now amended contain no ambiguity and are in good formal condition. In light of this, it is believed the Examiner's formal rejection should be withdrawn, and this is requested.

An opportunity has also been taken at this time to correct two minor typographical errors appearing in the specification, and it is believed no objection arises to these changes. Accordingly, entry of those amendments is believed in order and this is requested.

In the circumstances, it is believed that this application is now in a form suitable for immediate allowance, and early action to that effect is requested.

Respectfully submitted,
MURRAY, WHISENHUNT & FERGUSON


Leonard C. Mitchard
Reg. No. 29 009

MURRAY, WHISENHUNT & FERGUSON
1925 North Lynn Street
Suite 906
Arlington, Virginia 22209
(703) 243-0400

LCM/md

Attachments: First and Second Preliminary Amendments